

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION,

*Plaintiff,*

v.

UNITED STATES CUSTOMS AND  
BORDER PROTECTION and UNITED  
STATES IMMIGRATION AND CUSTOMS  
ENFORCEMENT,

*Defendants.*

No. 1:19-cv-11311 (JSR)

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the Declaration of Alexia Ramirez, dated May 22, 2020, and the attachments thereto; and all prior papers and proceedings in this action, Plaintiff American Civil Liberties Union (“ACLU”) moves the Court for an order granting the ACLU’s motion for summary judgment by (i) requiring Defendant U.S. Customs and Border Protection (“CBP”) to explain how it conducted its prior searches and conduct a new search for responsive records; and (ii) setting a schedule for further motion practice for any challenges that the ACLU may have to any redactions to records produced by CBP subsequent to briefing or resolution of this motion. The ACLU further states that as to the 95 pages of records produced by Defendant Immigration and Customs Enforcement (“ICE”) late on May 21, 2020, the eve of the deadline for the instant motion, Plaintiff will review the various withholdings and redactions as expeditiously as possible and will inform ICE, prior to Defendants’ June 12, 2020, deadline for their cross-motion for summary judgement and response, whether Plaintiff contests any of the redactions or withholdings from this production. In the event that any redactions or withholdings are contested, Defendants will brief their defense

of the withholdings on June 12, 2020, and Plaintiff will respond in its June 26, 2020, reply and response brief.

The ACLU further respectfully requests that the Court award the ACLU the costs of this proceeding, including reasonable attorneys' fees, as expressly permitted by 5 U.S.C. § 552(a)(4)(E), and grant such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule set by this Court, Defendants will file their opposition and cross-motion for summary judgment by June 12, 2020. The ACLU will file its reply and opposition to Defendants' cross-motion by June 26, 2020. Defendants will file their reply by July 6, 2020. Arguments on the motion will be heard on July 15, 2020, at 4:00 PM.

May 22, 2020

Respectfully submitted,

/s/ Alexia Ramirez

Alexia Ramirez

Nathan Freed Wessler

Brett Max Kaufman

American Civil Liberties Union Foundation

125 Broad Street, 18th Floor

New York, NY 10004

T: 212.549.2500

F: 212.549.2654

aramirez@aclu.org

nwessler@aclu.org

bkaufman@aclu.org

Robert Hodgson

Christopher Dunn

New York Civil Liberties Union Foundation

125 Broad Street, 19th Floor

New York, NY 10004

(212) 607-3300

rhodgson@nyclu.org

cdunn@nyclu.org

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of May, 2020, I electronically filed the foregoing Motion for Summary Judgment using the Court's CM/ECF system. I further certify that I transmitted a copy of this filing to counsel for Defendants via email to Jennifer.Simon@usdoj.gov.

/s/ Alexia Ramirez

Alexia Ramirez

American Civil Liberties Union Foundation

125 Broad Street, 18th Floor

New York, NY 10004

T: 212.549.2500

F: 212.549.2654

aramirez@aclu.org